

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDALL LEMONT BEAMON, #240525,

Petitioner,

Case No. 4:19-CV-13615

v.

Stephanie Dawkins Davis
United States District Judge

O'BELL T. WINN,

Respondent.

**OPINION AND ORDER GRANTING PETITIONER'S MOTION
FOR NON-PREJUDICIAL DISMISSAL, DISMISSING WITHOUT
PREJUDICE THE HABEAS PETITION, DENYING A
CERTIFICATE OF APPEALABILITY, AND DENYING LEAVE
TO PROCEED IN FORMA PAUPERIS ON APPEAL**

This matter is before the Court on Petitioner's motion for a voluntary, non-prejudicial dismissal of his *pro se* petition for a writ of habeas corpus so that he may return to the state courts to pursue additional challenges to his state criminal proceedings. (ECF No. 15). The Court previously denied Petitioner's motion to stay the proceedings. (ECF No. 14). Given that Petitioner seeks to exhaust additional issues in the state courts and that he has the ability to do so in a timely manner, dismissal of the habeas petition is appropriate.

Accordingly, the Court **GRANTS** Petitioner's motion for a voluntary, non-prejudicial dismissal and **DISMISSES WITHOUT PREJUDICE** the petition for

a writ of habeas corpus. This case is closed. Should Petitioner wish to seek federal habeas relief following the exhaustion of additional state court remedies, he must file a new habeas petition in federal court. This case will not be reopened.

Additionally, the Court **DENIES** a certificate of appealability as jurists of reason would not find the Court's procedural ruling debatable. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). Lastly, the Court **DENIES** leave to proceed in forma pauperis on appeal as an appeal cannot be taken in good faith. *See* Fed. R. App. P. 24(a).

IT IS SO ORDERED.

Dated: January 26, 2021

s/Stephanie Dawkins Davis
Stephanie Dawkins Davis
United States District Judge